

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KEITH MCDAY,

Plaintiff,

-v-

CITY OF NEW YORK, *et al.*,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 4/7/2025

**ORDER**

25-CV-2265 (JPO) (HJR)

**HENRY J. RICARDO, United States Magistrate Judge.**

On March 28, 2025, Plaintiff Keith McDay filed an application for the Court to request pro bono counsel. ECF No. 10. The factors to be considered in ruling on an indigent litigant's request for counsel include the merits of the case, Plaintiff's efforts to obtain a lawyer, and Plaintiff's ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60–62 (2d Cir. 1986). Of these, the merits are “[t]he factor which command[s] the most attention.” *Cooper*, 877 F.2d at 172. Because it is too early in the proceedings for the Court to assess the merits of the action, Plaintiff's motion for counsel is DENIED without prejudice to renewal at a later date.

In addition to the information mailed to Plaintiff on March 20, 2025, Plaintiff is advised that there is a Pro Se Law Clinic available to assist self-represented parties in civil cases. The Clinic may be able to provide a pro se party with advice in connection with their case. The Pro Se Law Clinic is run by a private

organization called the City Bar Justice Center; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any self-represented party through the Pro Se Intake Unit). Litigants in need of legal assistance should complete the City Bar Justice Center's intake form available at

<https://www.citybarjusticecenter.org/projects/federal-pro-se-legal-assistance-project/>

to make an appointment. If a litigant has questions about the intake form or needs to highlight an urgent deadline already disclosed in the form, the clinic can be contacted by phone (212-382-4794) or email ([fedprosdny@nycbar.org](mailto:fedprosdny@nycbar.org)). In-person appointments in the Thurgood Marshall Courthouse in Manhattan are available Monday through Thursday, 10:00 a.m. to 4:00 p.m. Appointments are also available remotely Monday through Friday, 10:00 a.m. to 4:00 p.m.

The Clerk of Court is respectfully directed to terminate the application at ECF No. 10 as DENIED without prejudice.

**SO ORDERED.**

Dated: April 7, 2025  
New York, New York

  
Henry J. Ricardo  
United States Magistrate Judge